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Fifth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. By its resolutions 1291 (2000) of 24 February 2000 and 1316 (2000) of 23 August 2000, the Security Council requested the Secretary-General to report on the progress made in the implementation of the Lusaka Ceasefire Agreement (S/1999/815, annex) and relevant Council resolutions.

2. In his fourth report to the Security Council, dated 21 September 2000 (S/2000/888), the Secretary-General recommended a two-month extension of the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). The purpose of the recommendation was to signal the determination of the United Nations to remain committed to the peace process in the Democratic Republic of the Congo while at the same time indicating to all the parties that these months should be used to demonstrate unequivocally their will to move the peace process forward and to create the conditions necessary for the phase II deployment of MONUC.

3. By its resolution 1323 (2000) of 13 October 2000, the Security Council, reaffirming its readiness to assist in the peace process, in particular through MONUC, decided to extend the mandate of MONUC until 15 December 2000.

4. The present report contains a summary of the events that have taken place since the most recent report, an analysis of the extent to which the parties have indeed used the past two months to create the necessary conditions for the deployment of MONUC, and recommendations regarding the future of MONUC beyond 15 December.

II. Political developments

5. Considerable high-level diplomatic activity has taken place since my most recent report, indicating the willingness of subregional leaders to find ways of moving the peace process forward. Of particular note are the meetings convened by President Mbeki and President Chissano at Maputo on 16 October and 27 November 2000 and the related ministerial level meeting at Pretoria on 3 November; the Kinshasa summit meeting, held on 27 October; and the Tripoli summit meeting, held on 7 and 8 November. Meetings have also been held between the leader of the Movement de libération de Congo (MLC), Jean-Pierre Bemba, and the Angolan Foreign Minister, and visits by President Kabila to Luanda, Harare and Windhoek.

6. On 27 September, I wrote to President Kabila outlining the position of the United Nations with regard to the status of the peace process in the Democratic Republic of the Congo. I emphasized that the Lusaka Ceasefire Agreement formed the basis for the relevant Security Council resolutions authorizing the presence and activities of MONUC, and expressed the hope that all parties would engage in translating the spirit of the Agreement into action. I conveyed my concern over the number of ceasefire violations and stressed the need to lift the restrictions hindering the operations of MONUC. I also expressed the hope that the extension of the mandate of MONUC by two months would provide an opportunity to the parties to create the conditions necessary for MONUC phase II deployment and to move the peace process forward.

7. On 9 October, President Nujoma invited President dos Santos, President Kabila and President Mugabe to

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Windhoek to discuss the situation in the Democratic Republic of the Congo. At the conclusion of the discussions, President Nujoma indicated that President Kabila was prepared to allow the deployment of United Nations troops to government-controlled territory without restriction.

8. President Mbeki convened and chaired a mini summit meeting at Maputo on 16 October. The meeting was attended by the heads of State of the Democratic Republic of the Congo, Mozambique, Namibia, Rwanda, Uganda and Zimbabwe. The leaders agreed that all armed forces in the Democratic Republic of the Congo would immediately start disengaging to positions set out in the Kampala disengagement plan of 8 April 2000. Uganda and Rwanda undertook to move further than the 15 kilometres stipulated in the disengagement plan. The other parties agreed that once MONUC had verified this process of further disengagement, they would reciprocate. The summit meeting requested the creation of a committee composed of ministers for defence to study the issues of the Rwandan withdrawal and disarmament of armed groups, and agreed to reconvene for the purpose of reviewing progress.

9. On 26 October, President Kabila received my Special Representative, Kamel Morjane, and confirmed that the Government of the Democratic Republic of the Congo wished to facilitate the deployment of United Nations troops. It was agreed that officials of the Ministry of Defence would accompany MONUC officers to review potential sites for deployment at Mbandaka and Kananga. President Kabila expressed his support for the Kampala disengagement plan and for the decisions taken at the Maputo mini-summit meeting. My Special Representative welcomed the offer of cooperation and drew the President's attention to the list of practical measures necessary to facilitate MONUC phase II deployment provided to the Minister for Foreign Affairs of the Democratic Republic of the Congo on 11 September by the Department of Peacekeeping Operations of the United Nations Secretariat.

10. The Government of the Democratic Republic of the Congo hosted a mini summit meeting of Central African countries at Kinshasa on 27 October. The meeting was attended by President Bongo, President dos Santos, President Kabila, President Sassou-Nguesso, the Prime Minister of the Central African Republic and the Prime Minister of Equatorial Guinea. In a communiqué, the participants called for a stronger commitment by the United Nations and the Organization of African Unity (OAU) to resolve the crisis in the Democratic Republic of the Congo and praised the initiative taken at the Maputo summit meeting for direct talks between the Democratic Republic of the Congo and Rwanda and Uganda. Although it contained an endorsement of the Lusaka Ceasefire Agreement as an important basis for peace in the Democratic Republic of the Congo, the communiqué called for its revision and proposed the deployment of neutral interposition troops along the common border of the Democratic Republic of the Congo with Rwanda, Uganda and Burundi. An ad hoc ministerial committee under the chairmanship of President Bongo was established to follow up the decisions of the summit meeting.

11. My Special Representative travelled to Togo on 7 November for a meeting with President Eyadema, the current Chairman of OAU. Their discussions focused principally on the difficulties encountered by the Joint Military Commission (JMC) and the process of the inter-Congolese dialogue. The Chairman of OAU acknowledged the need for better coordination of the various diplomatic initiatives aimed at reviving the peace process and disclosed that approaches had been made to him by the Congolese parties. He was exploring ways of helping to establish contacts and dialogue between President Kabila and the rebel movements.

12. On 7 November, I met with Ambassadors of the Southern African Development Community (SADC), who expressed disappointment at the lack of progress in the peace process and their concern this would result in the termination of MONUC. They considered the consequences for the African continent to be ominous, should the mission be withdrawn. While acknowledging that the parties needed to recommit themselves to implementation of the Lusaka Agreement, the Ambassadors considered that I should become more directly involved in the peace efforts and suggested a visit to the region. In response to my question as to whether it was advisable to insist on a revision of the Agreement, the representative of the Democratic Republic of the Congo stated that an improvement or adjustment was desired, not necessarily renegotiation.

13. The SADC ambassadors also met with the President of the Security Council to convey their

conviction that the Council should remain involved in the search for a resolution of the conflict. They considered the Council to be over-cautious in expecting standards not demanded in other areas. In addition, they requested the Council to implement all of its relevant resolutions, in particular resolutions 1234 (1999) of 9 April 1999 and 1304 (2000) of 16 June 2000.

14. A third peace initiative was launched on 8 November by President Muammar Qaddafi, who hosted a mini summit meeting at Tripoli to address the situation in the Great Lakes region and the Democratic Republic of the Congo in particular. The meeting was attended by President Kagame, President Konare, President Mugabe and President Museveni, and representatives of Angola, the Democratic Republic of the Congo, Namibia and South Africa. The summit meeting agreed on the immediate deployment of a neutral African force to guarantee the security of the borders of Rwanda and Uganda, and that the force should assess the magnitude of armed groups in the Democratic Republic of the Congo with the objective of disarming, disbanding and resettling them. In a letter dated 9 November addressed to me, President Qaddafi suggested that Nigeria, Egypt, South Africa and the Libyan Arab Jamahiriya should participate in the neutral force and proposed that the United Nations should undertake the leadership, funding and supervision of those forces.

15. On 27 November, the heads of State of South Africa, the Democratic Republic of the Congo, Uganda, Rwanda, Zimbabwe and Mozambique, and representatives of Namibia and Angola met at Maputo to discuss the situation in the Democratic Republic of the Congo. My Special Representative and Force Commander General Mountaga Diallo also attended. The participants agreed to reaffirm the Kampala disengagement plan of 8 April, confirmed the role of MONUC in monitoring the disengagement of forces, and confirmed that the Government of the Democratic Republic of the Congo was responsible for the timely resolution of the remaining difficulties hindering the deployment of MONUC. The Government of the Democratic Republic of the Congo confirmed that MONUC flights need not be routed through Kinshasa and agreed in principle to the deployment of armed United Nations troops at Kinshasa airport. No agreement was reached on the disarmament and demobilization of armed groups and the withdrawal of foreign forces from the territory of the Democratic Republic of the Congo.

16. At its meeting on 29 November, the Political Committee established under the Lusaka Agreement endorsed the disengagement plan and scheduled a meeting of the military chiefs of staff of the parties for 5 December to approve the documentation relating to the subplans. The Force Commander attended the meeting.

Congolese rebel movements

17. The rebel movements were not invited to any of the summit meetings mentioned above. Following the Maputo summit meeting on 16 October, the head of MLC, Jean-Pierre Bemba, is reported to have observed that since he had not been invited to the meeting he had nothing to do with the agreements reached therein. It was also reported that, following the same summit meeting, the reaction of the then head of the Rassemblement congolais pour la démocratie (RCD), Emile Ilunga, was one of suspicion of President Kabila's intentions.

18. In a meeting with my Special Representative, Mr. Bemba expressed his view that the only viable solution to the conflict in the Democratic Republic of the Congo lay in the application of the Lusaka Ceasefire Agreement. He underlined his desire for a political solution to be found to the crisis and gave his assurance that MLC would accept any decision arrived at democratically. The leaders of RCD also emphasized to my Special Representative that they respected the Lusaka Agreement and remained committed to the Kampala disengagement plan.

19. On 28 October, RCD underwent a change in leadership when Mr. Ilunga announced that he and the two vice-presidents had resigned from their positions. Although there were reports of differences among the leaders, a spokesman for RCD maintained that the ideals of the movement remained the same. The new RCD President is Adolphe Onusumba, the fourth since the movement was formed in 1998.

20. An internal leadership conflict has also occurred within the Rassemblement congolais pour la démocratie-Mouvement de libération (RCD-ML), between the supporters of Ernest Wamba dia Wamba and his deputy, Mbusa Nyamwisi. A violent confrontation at Bunia led to intervention by Ugandan

officials and the subsequent departure of both Mr. Wamba and Mr. Nyamwisi to Kampala in an effort to find a solution to their dispute.

Inter-Congolese dialogue

21. The Government of the Democratic Republic of the Congo has confirmed on many occasions its rejection of the neutral facilitator of the inter-Congolese dialogue, Sir Ketumile Masire. During the reporting period, the Government has reiterated its position in writing, in public statements and during discussions with my Special Representative. On 12 October, the Permanent Representative of the Democratic Republic of the Congo informed the President of the Security Council that the rejection of Sir Ketumile Masire was final but that his Government would be ready to expedite the appointment of a new facilitator.

22. Despite the position of the Government of the Democratic Republic of the Congo, the neutral facilitator has made renewed efforts to revive the dialogue process. Sir Ketumile has consistently maintained that he intends to remain as the neutral facilitator since only one party to the Lusaka Agreement was opposing him. In a communiqué issued on 19 October, the Minister of Information of the Democratic Republic of the Congo announced that the Government might "take action" against Sir Ketumile should he continue to call for the convening of the inter-Congolese dialogue although rejected as facilitator.

23. In a meeting with my Special Representative on 26 October, the Minister of Information outlined the proposals of the Government of the Democratic Republic of the Congo for the inter-Congolese dialogue. The Minister assured my Special Representative that the Government recognized the need for political negotiations among the Congolese parties to achieve a resolution of the conflict. In the Government's view, the purpose of these negotiations was not to achieve transitional power-sharing arrangements but to agree on a new constitution and an electoral commission. The Government favoured the establishment of joint committees, with equal representation from the Constituent Assembly and the opposition parties, to take matters forward. The time frame for elections could be within a few months of an agreement on a constitution, but the withdrawal of all uninvited foreign forces would be a prerequisite to the completion of the proposed political process.

24. In contrast to the Government, the rebel movements have continued to express their support for the inter-Congolese dialogue, as provided by the Lusaka Ceasefire Agreement, and for Sir Ketumile Masire as the neutral facilitator. Both MLC and RCD have rejected approaches from the Government to engage in political negotiations through the medium of committees drawn from the Constituent Assembly.

Military developments

25. The main military activity during the reporting period took place in Equateur province, in Katanga province and in the east of the country. This activity includes aerial bombing raids against Gemena, Moba and other rebel-held locations which have caused civilian casualties. The situation in Kisangani has remained generally calm. Although fighting in most of the country appeared to abate in late November, information was received as the present report was being completed about bombing attacks at Kalemie in the first few days of December. Heavy fighting was also reported in the vicinity of Pweto which, according to a spokesman of the Office of the United Nations High Commissioner for Refugees (UNHCR), drove some 60,000 people across the border into Zambia.

Ceasefire violations

26. In northern Equateur province, the perceived threat posed by MLC forces to Mbandaka prompted action by the Forces armées congolaises (FAC) and their SADC allies to reinforce frontline units along the axis of the Ubangui and Congo rivers. On 3 October, the MONUC Force Commander was advised by General Chingombe, the allied Task Force Commander, that a presidential order of the Democratic Republic of the Congo to halt offensive operations in Equateur province was being strictly observed. The only exception was on the Congo River, where FAC and the allies were concerned over MLC occupation of Emate and Nganda Paris and where fighting continued until 10 October.

27. On 17 October, the Force Commander met General Chingombe to brief him on earlier discussions held between my Special Representative and the head

of MLC. General Chingombe agreed that, if MLC forces made no forward movements, FAC and the allies would not initiate any further military action. The FAC air force had been placed under his operational command and future air operations would be conducted only for defensive purposes. After being advised of the proposed understanding, Mr. Bemba assured my Special Representative that his forces would not advance from their current positions or initiate any new attacks. The situation in Equateur province has since remained generally stable.

28. The Governments of the neighbouring Republic of the Congo and the Central African Republic continue to be concerned that fighting in the Democratic Republic of the Congo, especially in the immediate border areas, has affected their countries. In particular, large numbers of refugees continue to enter both countries and vital maritime traffic on the Ubangui River has been interrupted, causing heavy economic losses. Harassment of shipping of the Congo and FAC intrusions on islands in the Congo and Ubangui rivers prompted the Congo to deploy forces to secure its border. Operations by coastguards of the Congo starting on 6 October are reported to have resulted in several FAC fatalities and a number of injuries before the forces of the Congo succeeded in securing all islands on the Ubangui River up to Longo.

29. MONUC received reports from FAC liaison officers at Mbandaka that troops of the Congo had shelled FAC defensive positions opposite Buburu on 16 October. Military action by the Congo in the vicinity of Buburu risked being interpreted as operations in support of MLC, raising concern about the Congo becoming embroiled in the conflict in the Democratic Republic of the Congo. There have been no incidents reported since mid-October. President Nguesso and my Special Representative have agreed that it would be advantageous for MONUC to establish a liaison presence in Brazzaville.

30. According to allegations made by RCD and the Government of Rwanda, FAC units launched a major offensive in north-eastern Katanga province on 13 October. The FAC troops were said to be supported by armed groups, including former Rwandan government forces (ex-Forces armées rwandaises (FAR)) and Interahamwe militia, Burundian rebels of the Front pour la défense de la démocratie (FDD) and the local Mayi-Mayi militia, as well as Zimbabwean and Namibian troops. These forces allegedly captured a number of RCD positions, including the town of Pepa on, 22 October and attacked the Lake Tanganyika port of Moba. Government and allied forces were alleged to have used long-range artillery, tanks, aircraft and gunboats. The position of the Government of Rwanda is contained in the letter dated 2[illegible] October from its Permanent Representative to the United Nations addressed to the President of the Security Council (S/2000/1045).

31. MONUC military observers travelled to Moba and received eyewitness reports of the bombing of the town on 22 October by one Antonov-26 escorted by three MiG aircraft. It was reported that up to 15 bombs had been dropped, resulting in the deaths of 14 civilians and many others injured. Six bombs failed to explode, some of which the MONUC observers were able to view.

32. The allied Task Force Commander denied to MONUC that any Namibian or Zimbabwean forces had taken part in fighting in Katanga province. Subsequently, both the Permanent Representatives of Namibia and Zimbabwe to the United Nations wrote to the President of the Security Council to reject allegations of their countries' involvement (S/2000/1074 and S/2000/1076). For its part, the Government of the Democratic Republic of the Congo also denied involvement and President Kabila informed my Special Representative that the fighting in Katanga started between Rwandan forces and Congolese serving with RCD as a result of "bad blood" between them; subsequently, some Mayi-Mayi groups had come to the support of the RCD elements.

33. On 10 November, RCD claimed that its troops had recaptured Pepa. In the weeks following this action, some 1,000 civilians crossed into northern Zambia. UNHCR has assisted in the movement of registered refugees to Kala, which was already home to over 2,300 Congolese refugees. Over 500 soldiers also crossed over from the Democratic Republic of the Congo into Zambia. RCD has claimed that these are members of armed groups, and has requested the Zambian authorities to disarm and identify them in accordance with article III of the Lusaka Ceasefire Agreement. The Zambian Defence Minister has declared that his country will not allow foreign soldiers to enter its territory with arms and those not renouncing their military status will be escorted back to the Democratic Republic of the Congo by the Zambian authorities.

34. The security situation in eastern parts of the Democratic Republic of the Congo remained highly volatile. RCD has complained that pro-Government armed groups continue to launch numerous attacks in the North and South Kivu provinces. Although the armed groups responsible for these attacks are not signatories to the Lusaka Agreement, there are persistent reports that they receive arms and training from one of the parties. The most serious fighting took place at Salambila, in South Kivu. RCD reported that a large force of Mayi-Mayi, Interahamwe and FAC attacked their position on 11 November and succeeded in capturing the town three days later. Subsequently, MONUC observers were informed that an RCD force drawn from two brigades had launched a counter-attack leading to the recapture of the area on 22 November.

35. In a report distributed to the participants and to me prior to the second Maputo summit meeting, President Mbeki summarized the proceedings and discussed issues relating to MONUC deployment and the obstacles it had encountered. In his report, President Mbeki noted complaints made by President Chiluba concerning the deployment by the Government of the Democratic Republic of the Congo of five military assault boats on Lake Tanganyika. President Chiluba had informed President Mbeki that these boats were brought in through Zambia under the pretext that they were fishing boats. They had been used to transport heavily armed members of the Burundian FDD and Interahamwe/ex-FAR and had landed in the United Republic of Tanzania, raising fears that this could seriously compromise the Burundi peace process.

36. MONUC intends to dispatch a team of military observers to Kalemie, on Lake Tanganyika, to investigate reports that the town was bombed on 1 December, resulting in one fatality and 18 persons injured, most of them schoolchildren. According to the reports, which were received from RCD and from humanitarian sources, Kalemie was twice attacked on the morning of 1 December by an Antonov aircraft accompanied by a MiG. The MONUC team will be sent as soon as aircraft and fuel availability permits.

37. On 5 December, the Secretariat received reports of heavy fighting in the vicinity of Pweto, on Lake Mweru, apparently resulting from an attack on the town by RCD and Rwandan Patriotic Army (RPA) forces. According to a statement issued that day by UNHCR, some 60,000 people were driven across the border into Zambia by the fighting.

Kisangani

38. In compliance with Security Council resolution 1304 (2000), Rwanda and Uganda have continued to limit their forces to a distance of some 100 kilometres from the centre of Kisangani. RCD military elements have, however, remained in the city, with its leaders maintaining that security concerns do not allow them to withdraw their forces prior to the arrival of United Nations troops. Since July, the area around Kisangani has been de facto divided into quadrants: RCD occupies the city centre, the south and the west; MLC and the Ugandan People's Defence Force (UPDF) the north-west and the north; and UPDF solely the east. This dispersal is generally adhered to, except for isolated skirmishes, usually between RCD and MLC in the north-west and the north. All parties have contributed to the overall equilibrium and appear reluctant to partake in anything other than acts of posturing.

39. Pursuant to paragraph 14 of Council resolution 1304 (2000), I sent an assessment mission to the Democratic Republic of the Congo during the period from 13 to 23 August to assess the loss of life and property damage inflicted on the civilian population of Kisangani as a result of fighting between Rwandan and Ugandan troops between 5 and 11 June. The mission, led by the Director of the Emergency Response Division of the United Nations Development Programme (UNDP), consisted of personnel from various United Nations departments and was accompanied by United Nations agency officials based at Kinshasa. The team was also assisted by MONUC, the Office for the Coordination of Humanitarian Affairs and staff of non-governmental organizations based at Kisangani. The report on the assessment completed by the team has been issued in document S/2000/1153.

Withdrawal of foreign forces

40. Pursuant to the summit meeting held at Maputo on 16 October, the ministers for defence of the Democratic Republic of the Congo, South Africa, Rwanda, Uganda and Zimbabwe met at Pretoria on 20 October to consider proposals for the withdrawal of Rwandan and Ugandan forces from the territory of the Democratic Republic of the Congo. No agreement was reached, with the participants differing on the sequence

and modalities of disarming the non-signatory armed groups, including the Rwandan Interahamwe.

41. The ministers for defence met again at Pretoria on 3 November. The meeting, to which the Force Commander of MONUC was invited, discussed withdrawal plans put forward by the Democratic Republic of the Congo and Rwanda. Both plans, however, assume the deployment of a United Nations interposition force on the borders of Rwanda and Uganda, which would be responsible for disarming the armed groups. General Diallo made it clear that MONUC had no mandate to perform such tasks.

III. Cooperation with the Joint Military Commission

42. MONUC continued to cooperate closely with JMC and maintained a team of liaison officers at Lusaka for that purpose. The Mission assisted in the logistical support of regional joint military commissions at Boende (Equateur province), Kabinda (Kasai Orientale province), Kabalo (Katanga province) and Lisala (Equateur province), and MONUC liaison officers are co-located with each regional JMC. Representatives of Rwanda, RCD and MLC have, however, yet to deploy to the regional JMC at Kabinda. Also, the lack of resources has not allowed for the deployment of a regional JMC to Kisangani.

43. The Joint Military Commission has been functioning without a full-time chairman for nine months and General Kazembe of Zambia, who holds a full-time appointment in his country's military forces, has been obliged to carry out the duties of Chairman. Participants in the summit meeting held at Maputo on 16 October agreed to make an urgent request to the Secretary-General of OAU to assist in identifying an experienced military officer from the region to be appointed as chairman.

44. Following a request from the acting Chairman, MONUC assisted in the withdrawal of the 29 OAU neutral observers assigned to the regional joint military commissions. Financial constraints on JMC did not allow for the repatriated OAU observers to be replaced.

45. At its plenary meeting held at Lusaka on 17 and 18 November, JMC considered detailed plans for disengagement in four front-line areas: Kabalo, Kabinda, Ikela and the Kananga-Kinda road. JMC was, however, prevented from adopting the plans by the absence of the delegation of the Democratic Republic of the Congo.

46. The 29 November meeting of the Political Committee (see para. 16 above) and the subsequent meeting of the military chiefs of staff scheduled for 5 December represent a welcome resumption of activity on the part of this important organ of the Lusaka Ceasefire Agreement. The relocation of JMC to the Democratic Republic of the Congo could help to re-energize that body as well.

IV. Status of deployment of the Mission

Current deployment

47. As at 1 December, MONUC had a total of 224 liaison officers and military observers (see annex). In the Democratic Republic of the Congo, in addition to Kinshasa, teams of military liaison officers are deployed to the headquarters of the rebel movements (at Bunia, Gbadolite and Goma) and the four regional joint military commissions (at Boende, Kabalo, Kabinda and Lisala). Military observer teams are also stationed at six other locations (Gemena, Isiro, Kananga, Kindu, Kisangani and Mbandaka). Twenty-three liaison officers are stationed in the capitals of surrounding countries (see map).

48. MONUC continued to plan and reconnoitre sites for the sector headquarters required for the implementation of the Kampala disengagement plan. The first interim sector headquarters, with a small staff of military and civilian officers, has been established at Kisangani. In addition, technical surveys have been undertaken at Kisangani and Mbandaka for the stationing of United Nations battalions. MONUC logistic bases necessary to support the deployment of observers and troops are established and operational at Kinshasa and Goma, and at Bangui in the Central African Republic.

Security of Mission personnel

49. The most serious threat facing MONUC personnel is the highly volatile confrontations between the belligerent parties. In North Kivu, RCD reported an attack by Interahamwe one kilometre north of Goma

airport, the site of a MONUC logistics base. MONUC verified the incident in which nine Interahamwe fighters were killed as they attacked the village of Muningi on 1 November, killing nine civilians and dispersing the population. MONUC flights are also vulnerable; on 30 October, a MONUC helicopter approaching Bangui airport was fired upon from the territory of the Democratic Republic of the Congo and received light damage. No injuries were sustained by passengers or crew. The MLC leader, Mr. Bemba, subsequently called my Special Representative to apologize and inform him that an MLC soldier, who admitted firing at the helicopter, had been disciplined.

50. At Kinshasa, the inflammatory propaganda campaign conducted in some pro-Government media against MONUC has abated following the letter sent on 16 August by the Under-Secretary-General of the Department of Peacekeeping Operations to the Minister for Foreign Affairs of the Democratic Republic of the Congo, protesting the campaign and requesting restraint, and the interventions of my Special Envoy and Special Representative with President Kabila. The more positive attitude that the authorities and the media now show towards MONUC may also be attributed to the weekly press briefing instituted by the Mission's Public Information Section and a weekly bulletin that it issues on MONUC activities.

Cooperation of the parties

51. The Government of the Democratic Republic of the Congo has yet to replace the system of flight notification and clearance on a case-by-case basis with a system for advance notification en bloc, an arrangement that is essential for the management of the large fleet of aircraft that would be required for MONUC phase II deployment. Notwithstanding this, there has been a more positive attitude and a marked relaxation in regard to other restrictions, in particular lifting the obligation to land at a neutral airport during a return trip from rebel-controlled areas.

52. Pursuant to the decision of the Government of the Democratic Republic of the Congo that it would authorize United Nations troops to deploy in the country, the United Nations developed a list of practical measures necessary to initiate phase II deployment, which was transmitted on 11 September to the Minister for Foreign Affairs of the Democratic Republic of the Congo (see S/2000/888, para. 51). Since 30 September, joint meetings between MONUC and the Commissariat général chargé des affaires de la MONUC have been held on a weekly basis, in order to assess the compliance by the Government with the provisions of the Status of Forces Agreement (SOFA). This improved liaison has yielded some positive results, in particular with regard to customs clearances, exemption of direct and indirect taxes, authorization for a frequency and telecommunications network, facilities at Kinshasa airport and joint reconnaissance missions of MONUC and the Government to Mbandaka and Kananga, as announced by President Kabila during the second Maputo summit meeting. Further progress is anticipated with regard to an exemption from the strategic stock fuel charge.

53. Improved cooperation has also been facilitated by the decision of the SADC allies to appoint a special representative at Kinshasa, whose mandate includes the promotion of relations between the SADC allies and MONUC with regard to the peace process and the deployment of United Nations peacekeepers in the Democratic Republic of the Congo.

54. In field locations, MONUC military observers have encountered some limitations on their freedom of movement that have been imposed by local commanders who have forbidden the unrestricted monitoring of airfields.

V. Humanitarian affairs

55. The humanitarian situation in the Democratic Republic of the Congo has continued to deteriorate. At the end of November, the Office for the Coordination of Humanitarian Affairs estimated that the number of displaced persons was around 2 million, with less than one half receiving humanitarian assistance. In addition, UNHCR reports that the number of Congolese refugees in the Congo has reached 100,000 and as many as 20,000 may have fled to the Central African Republic. Owing to the fighting and other difficulties, humanitarian assistance could not reach a significant proportion of these refugees. In response to a request from the United Nations High Commissioner for Refugees, MONUC has agreed in principle to provide logistics support to efforts to gain access and deliver assistance to them.

56. Over the past six months, Equateur province has been affected by massive displacements of populations,

either to neighbouring countries or to areas in the province considered to be more secure. The United Nations humanitarian agencies have recently launched a major initiative in Equateur province to deliver the urgently needed lifesaving support to over 400,000 war-affected persons. Agencies involved in this operation have, however, encountered serious problems in obtaining government clearances to operate in southern Equateur.

57. The number of persons in critical need of food in the Democratic Republic of the Congo remains at an estimated 16 million, or roughly 33 per cent of the country's population. The uprooting of rural populations and isolation from their traditional food sources, together with the declining economic situation, continue to be the underlying causes of this troubling situation. The situation is aggravated at Kinshasa, where it is estimated that 70 per cent of the population of seven million live on less than US$ 1 per day for food. Some 18 per cent of children in the inner city and over 30 per cent in the outskirts suffer from chronic malnutrition. The food deficit of Kinshasa for the ongoing year is estimated at one million tons. A number of factors contribute to the crisis in the capital, including the swelling population caused by the war, a deterioration of the road infrastructure, inadequate food supply from Equateur and the eastern provinces, a scarcity of fuel and overvaluation of the official exchange rate.

58. The health situation in the country has also continued to decline, with less than 37 per cent of the population having access to essential medical facilities. Less than 47 per cent of the population is estimated to have access to safe drinking water. In addition to epidemic outbreaks of cholera, meningitis, dysentery and malaria, the World Health Organization (WHO) has reported the emergence and re-emergence of serious illnesses, such as haemorrhagic fever. Women and children are among the vulnerable groups most affected by the crisis.

59. The war, poor sanitary conditions among displaced populations and residents, and malnutrition have created a fertile ground for the outbreak and spread of numerous illnesses and infectious diseases, including those that are sexually transmitted. There are 20,000 new cases of HIV this year, according to the national AIDS programme, adding to the figure of one million infected adults, which includes at least 600,000 women. There are an estimated 680,000 orphans with AIDS, whose parents have died of the disease.

60. In the Kivus, the increased security risk to health personnel has forced the suspension of humanitarian operations by some agencies, further increasing the vulnerability of displaced persons and residents. Armed groups continue to attack civilians, causing numerous casualties and rendering travel in the area extremely dangerous.

61. On 4 and 5 October, the inter-agency and donor country meetings were held at Geneva to consider the humanitarian response strategy to be adopted in the Democratic Republic of the Congo. Donors called for enhanced coordination and stressed that humanitarian action should be broadened and deepened, as should cooperation with local structures. At the meeting attended by my Special Representative, three main themes came to light: the need to allocate more resources to existing humanitarian projects, the need to reach more people through a more flexible humanitarian action response with the objective of saving more lives, and the need to increase the capacity of international humanitarian agencies working in the Democratic Republic of the Congo to manage an enhanced response.

62. The consolidated appeal for the Democratic Republic of the Congo for 2001 was launched at the end of November; US$ 139.5 million was requested to address the critical humanitarian needs of the war-affected populations. The appeal seeks to provide household food security and health interventions at the local community level, as well as initiatives at the national level, such as immunization days and transport corridors for essential medicines and food supplies.

63. A United Nations inter-agency mission, consisting of senior representatives of the Office for the Coordination of Humanitarian Affairs, UNDP, the United Nations Children's Fund (UNICEF), UNHCR, the World Food Programme (WFP), the Food and Agriculture Organization of the United Nations (FAO) and WHO, visited the Democratic Republic of the Congo from 20 to 24 November to examine ways of improving the coordination of humanitarian relief operations in the country. The mission report and recommendations were presented to the Executive Committee on Humanitarian Assistance on 4 December.

64. MONUC has prepared and submitted an aide-mémoire which is to be presented to the Security

Council and which proposes the strengthening of the humanitarian mandate of the Mission and requests the allocation of programme funds to support a series of projects. The most notable of the projects is a request for US$ 2.5 million to provide air logistics support with MONUC aircraft to humanitarian agencies in the Congo. This support could come in the form of an appeal by the Security Council to Member States to contribute to a trust fund established for such projects. Until funds are in place, MONUC could make an important contribution to relieving humanitarian suffering in this country by being able to use the existing funds and resources of the Mission, especially the many MONUC aircraft with their considerable underutilized capacity, in support of humanitarian work. This would also contribute to the central peacekeeping mandate of the Mission by increasing understanding and trust of the Mission by the people of the country and by all parties concerned. At its meeting held at Lusaka on 29 November, the Political Committee adopted an agreement aimed at improving the humanitarian situation of populations at risk, which included guaranteed access to them.

VI. Human rights

65. The human rights situation throughout the territory of the Democratic Republic of the Congo continued to give cause for grave concern. The situation in the eastern provinces is particularly troubling, owing to the absence of governmental structures in rebel-controlled areas. Arbitrary arrests, illegal detention, forced deportation and ill-treatment have been used to harass and intimidate the population, human rights groups, church associations and non-governmental organizations. In addition, the dire economic situation has led soldiers and gangs of armed men to resort to extortion and looting, thus creating an atmosphere of insecurity and terror among vulnerable groups.

66. Recent months have seen an increase in leadership struggles in the rebel movements, rising inter-ethnic rivalries and increasing resentment among Congolese ethnic groups vis-à-vis the Tutsi in general. These developments have put the civilian population in greater danger than previously reported. There has also been a marked increase in the number of warlords in remote areas who have engaged in a pattern of systematically destroying the institutions of civil society, and manipulating the regions' clan system and ethnic groups against each other. The violence between opposing members of the Hema and Lendu tribes in the north-eastern region of the Democratic Republic of the Congo is particularly worrisome and civilian casualties are mounting.

67. The Mayi-Mayi militia and predominantly Hutu armed groups have continued to commit widespread human rights abuses. They have regularly attacked villages, forced people to hand over their belongings and killed them if they refuse to do so. In this context, the high incidence of murder of women and children of Rwandan origin should be noted. It has also been reported that Hutu armed groups use rape as a weapon of war.

68. In government-controlled territory, despite the authorities' stated commitment to a moratorium on the death penalty and the establishment of a military court appeals chamber, executions continue to take place, albeit at a reduced rate. There are also no indications that the military court system will be reformed. The system was established to try cases regarding abuses by military and police officers, and armed robbery. Civilians such as journalists and political opponents continue, however, to be tried by these courts for other crimes, in breach of international law. Moreover, notwithstanding the use of death penalty sentences, defendants appearing before military courts have no right of appeal and in some cases, no legal representation.

69. The prohibition of political parties continues, with only those parties newly registered with the Government being allowed to function, a justification for the arbitrary arrest and detention of persons affiliated with non-registered political parties. Although the Ministry of Information had announced its intention to introduce a law abolishing imprisonment for press offences, reports indicate that journalists and human rights activists continue to suffer attacks, intimidation and imprisonment. An important radio and television station, Radio-Television Kin-Malebo (RTKM), was nationalized on the basis that it had secret ties to the rebellion. Its employees have been subjected to harassment and arrest. These targeted restrictions on freedom of expression and freedom of association are completely at odds with fundamental human rights.

70. During her visit from 1 to 3 October, the United Nations High Commissioner for Human Rights met with President Kabila. The High Commissioner identified a number of human rights violations that the Government had to address in order to conform with Congolese law and international human rights standards and norms. She sought the immediate release of 253 political prisoners, many of them journalists and human rights activists, who have yet to benefit from the general amnesty law. She demanded the abolition of the Court of Military Order and the suspension of the death penalty and executions; she raised the issue of administrative detentions and the prohibition of torture, the rights of the accused and respect for fundamental human rights even in times of war, while referring to relevant United Nations resolutions, international treaties ratified by the Democratic Republic of the Congo and the Lusaka Ceasefire Agreement.

71. While the Government of the Democratic Republic of the Congo made commitments to respect human rights and take the actions specified by the High Commissioner, no enforcement action has been taken to end those abuses and to establish a system of accountability and rule of law. The Court of Military Order is still being used to punish those suspected of collaborating with the rebel movements. On 9 October, the Court sentenced to death a former director of the security service, Ndjango Mfungazam, for allegedly passing on information to the rebels. On 30 October, a former Commandant of FAC was arrested by the President of the Military Court for allegedly plotting to overthrow the Government. Several members of his ethnic group in FAC and the opposition parties are reported to have disappeared from their homes.

VII. Child protection aspects

72. The situation of children has continued to be of serious concern. The education situation in the eastern provinces remains disastrous, with between 40 per cent and 50 per cent of school-aged children out of school and prone to becoming targets for forced recruitment into the armed forces or militia groups that operate in the region. According to recent reports, between 15 per cent and 30 per cent of newly recruited combatants are children under 18 years of age, with a substantial number less than 12 years old.

73. On 15 May, RCD issued an instruction establishing an inter-departmental commission on the demilitarization, demobilization and reintegration of child soldiers. The commission, however, has yet to be established. On 15 and 16 November, the local radio and television station at Goma broadcast an appeal from the head of RCD, inviting parents to allow their children to be recruited into the movement's military forces. The Governor of North Kivu Province reiterated the call on 19 November, urging that children be enrolled for local defence. Following reports of the recruitment of children aged 13 to 17 years at Rutshuru on 19 November, my Special Representative contacted the RCD leadership, drawing its attention to these violations of the Convention on the Rights of the Child.

74. MONUC and the UNICEF offices at Kinshasa and Kampala are closely following the matter and have contacted the relevant authorities. As a result of joint advocacy efforts by MONUC and UNICEF, RCD-ML has recently taken steps towards setting up a coordination unit for the demilitarization, demobilization and reintegration process in areas under its control. Similar advocacy directed at MLC is planned.

75. MONUC has received confirmation of the cross-border deportation of recruited Congolese children from the Bunia, Beni and Butembo region to Uganda after the August "mutiny" of troops against the leadership of RCD-ML. In line with Council resolution 1304 (2000), the cross-border recruitment and abduction of children is strongly condemned.

76. President Kabila signed a decree on 6 June ordering the demobilization and reintegration of vulnerable groups, including child soldiers. Despite the positive reaction from the international community and the willingness shown by donor countries to assist in implementation of the decree, no substantial progress has been recorded. The national coordination unit for the demilitarization, demobilization and reintegration of vulnerable groups, including child soldiers, is still to be set up by the Government.

77. During the reporting period, the two MONUC child protection advisers have undertaken field trips to Bukavu, Kabalo, Kindu, Isiro, Kananga and Bunia to meet with all child protection partners and obtain first-hand information on children affected by the conflict. These trips have also provided the opportunity to train

MONUC military observers with regard to child protection issues.

VIII. Exploitation of natural resources

78. In the statement by its President on 2 June 2000 (S/PRST/2000/20), the Security Council requested me to establish a panel of experts on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo. Accordingly, I appointed four members to the Panel with Safiatou Ba-N'Daw, former Minister of Energy of Côte d'Ivoire, as Chairperson. The panel has been based in Nairobi since mid-September and has undertaken extensive consultations with the parties and visits within the region.

IX. Financial aspects

79. The General Assembly, by its resolution 54/260 A of 7 April 2000, granted me commitment authority, with assessment, in the amount of US$ 200 million to cover the Mission's immediate requirements and to enable it to initiate logistical preparations for the phased deployment of the formed military personnel. Subsequently, by its resolution 54/260 B of 15 June 2000, the Assembly, taking into account the amount of US$ 58.7 million committed for MONUC for the period ending 30 June 2000, authorized me to use, during the period beginning 1 July 2000, the amount of US$ 141.3 million, representing the balance of the commitment authority provided for MONUC in resolution 54/260 A.

80. As at 15 November 2000, unpaid assessed contributions to the MONUC special account amounted to US$ 90.8 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to US$ 2,075 million.

X. Next steps

81. The agreements reached at Maputo on 27 November represent forward movement, and the recent improvements in the Government's attitude towards the deployment of MONUC are welcome. It should also be noted that, with some exceptions, such as at Kisangani in June, the security guarantees provided by the parties at the time of the deployment of United Nations liaison officers have been honoured. It has also been possible to keep the liaison officers and military observers in the field supplied, despite the serious restrictions placed on the Mission's freedom of movement.

82. In the light of the above and of the experience gained since September 1999, when MONUC was first deployed to the Democratic Republic of the Congo, the Secretariat has developed plans to monitor and verify the actions taken by the parties in compliance with the Kampala disengagement plan of 8 April, including local ceasefire arrangements and disengagement movements, through the use of unarmed military observers.

83. The deployment of military observers would entail the maintenance of MONUC Force headquarters at Kinshasa and with JMC at Lusaka, the military liaison teams in regional capitals and with the parties' military headquarters remaining as they are at present (see annex and map). In addition, up to 500 military observers would be deployed in static and mobile teams to monitor and verify actions taken by the parties pursuant to the disengagement plan. Security would be provided by the parties' armed forces. This option would require the provision of limited specialized support, including medical, aviation and possibly riverine units. The logistics bases which, in the absence of formed units, have been established by MONUC at Kinshasa, Bangui and Goma over the past few months, would ensure the necessary support to the observer teams.

84. The objectives of the military observer teams would be to: (a) monitor and verify the parties' implementation of the Kampala disengagement plan of 8 April, including the disengagement of forces to brigade level, their redeployment and their eventual withdrawal from the territory of the Democratic Republic of the Congo; (b) monitor the continuing demilitarization of Kisangani; (c) investigate and verify allegations of ceasefire violations; (d) maintain effective contact with the parties; (e) assist the parties in the conduct of their JMC activities; and (f) ensure the provision of the necessary information to me and to the Security Council through MONUC.

XI. Observations and recommendations

85. The past two months has witnessed intense diplomatic activity in support of the peace process in the Democratic Republic of the Congo. I welcome the personal initiatives of heads of State in the region and commend their dedication and perseverance in efforts to put the peace process back on track. I also commend the role that OAU has continued to play in this regard.

86. Despite substantial compliance with the ceasefire in most parts of the Democratic Republic of the Congo, fighting has occurred in Equateur and Katanga provinces. This fighting not only complicated and imperilled ongoing peace efforts but, since the clashes occurred in border areas, threatened to spill over into the Congo and the Central African Republic to the north and into Zambia to the south. At the same time, the highly volatile environment in the Kivus marked by frequent and violent attacks by the non-signatory armed groups has continued to be a most serious concern.

87. The situation around Kisangani has shown some improvement, and I welcome the restoration of calm there after the outbreaks of fighting in June. Security Council resolution 1304 (2000), however, in which the Council demanded the withdrawal of Rwandan and Ugandan forces from the territory of the Democratic Republic of the Congo without further delay, in conformity with the timetable of the Lusaka Agreement and the Kampala disengagement plan of 8 April, has yet to be implemented in full. By the same resolution, the Council, acting under Chapter VII of the Charter, made a number of other demands on the parties, including cooperation with the deployment of MONUC and full engagement in the national dialogue process. These demands also have yet to be met.

88. In view of the situation summarized above, I recommend that the Security Council extend the mandate of MONUC for a further six months, until 15 June 2001. During that period, in order to monitor and verify the parties' implementation of the ceasefire and disengagement plans adopted at Maputo and Lusaka, MONUC should, as a first step, deploy additional military observers, accompanied by the necessary medical, aviation, riverine and logistical support units. A deployment of this kind could be effected within the current mandate approved by the Council in resolution 1291 (2000), and with the mandate described in paragraph 84 above.

89. In principle, I would also be prepared subsequently, with the guidance of the Security Council, to recommend that infantry units be deployed in support of the military observers, if conditions both required and permitted such deployment. At the appropriate juncture, I would accordingly submit to the Council an updated concept of operations, taking into account developments on the ground and the precise nature of the tasks that the troops would realistically be able to perform. I have requested the Secretariat to continue to liaise closely with potential troop-contributing countries in order to ascertain their continued readiness to provide the necessary personnel and specialized units.

90. At the same time, however, it is clear that broader agreement needs to be reached on the key questions that have so far not been resolved. In my view, the best way of doing so would be to build on the valuable diplomatic initiatives taken in recent weeks and to provide a framework and a stimulus for their follow-up. I am therefore considering the type of action that the United Nations could take to help to achieve this result.

91. The objective of this meeting would be to focus on the underlying questions at the core of the conflict that have yet to be satisfactorily resolved. These include the withdrawal of foreign forces; the disarmament and demobilization of armed groups; the security of the borders of Rwanda, Uganda and Burundi with the Democratic Republic of the Congo; the return of refugees in safety; the inter-Congolese dialogue; and regional economic reconstruction and cooperation.

92. It may be necessary to consider the establishment of a permanent mechanism to pursue genuine and workable arrangements for attaining these objectives. In order to ensure that the measures under discussion were practical and likely to enjoy the support of the Security Council, it would be necessary for the United Nations to support and participate in such a mechanism.

93. Finally, I wish to express my deep appreciation to my Special Representative, to the Force Commander, and to all the military and civilian personnel of MONUC for the strenuous efforts that they continue to make, often under adverse conditions, to help to restore peace to the Democratic Republic of the Congo.

Annex

United Nations Mission in the Democratic Republic of the Congo: contributions as at 30 November 2000

	Military observers	*Staff officers*	*Total*
Algeria	9		9
Bangladesh	6	8	14
Benin	5	3	8
Belgium		1	1
Bolivia	1		1
Burkina Faso	2		2
Canada		2	2
Czech Republic	3		3
Denmark	1	1	2
Egypt	9		9
France	1	2	3
Ghana	8		8
India	5	2	7
Jordan	2		2
Kenya		4	4
Libyan Arab Jamahiriya	3		3
Malaysia	2	7	9
Mali	3		3
Morocco		4	4
Nepal	8		8
Niger	2	1	3
Nigeria	6		6
Pakistan	13	9	22
Peru	3		3
Poland	1		1
Romania	7	1	8
Russian Federation	4		4
Senegal	12	17	29
South Africa	1		1
Switzerland		1	1
Tunisia	6		6
Ukraine	4		4
United Kingdom of Great Britain and Northern Ireland		4	4
United Republic of Tanzania	5	1	6

	Military observers	Staff officers	Total
Uruguay	8	8	16
Zambia	8		8
Total	**148**	**76**	**224**

MONUC
Positioning as of
December 2000
CENTRAL AFRICAN REPUBLIC
Bangui
SUDAN
UGANDA
Kampala
CONGO
DEMOCRATIC REPUBLIC
OF THE CONGO
RWANDA
Kigali
Bujumbura
BURUNDI
Bandundu
Brazzaville
Kinshasa
Cabinda
(ANGOLA)
UNITED
REPUBLIC
OF
TANZANIA
Mbuji-Mayi
Luanda
ANGOLA
ZAMBIA
Lubumbashi
MALAWI
Other MLO locations
not shown on map:
MLO 1 Windhoek, Namibia
MLO 14 Lusaka, Zambia
MLO 2 Harare, Zimbabwe
MLO 1 Addis Ababa, Ethiopia
0 100 200 300 km
0 100 200 mi
The boundaries and names shown and the designations used on
this map do not imply official endorsement or acceptance by the
United Nations.